

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

ECF CASE

DISCOVER FINANCIAL SERVICES, INC.

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

04 CV 7844

VISA U.S.A., INC., VISA INTERNATIONAL
SERVICE ASSOCIATION, MASTERCARD
INTERNATIONAL INCORPORATED and
MASTERCARD INCORPORATED

TO: (Name and address of defendant)

Visa U.S.A., Inc.
900 Metro Center Boulevard
Foster City, California 94404-2172

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Matthew L. Cantor, Esq.
Jeffrey I. Shinder, Esq.
Constantine & Partners
477 Madison Avenue
New York, NY 10022

William H. Pratt, Esq.
Kirkland & Ellis
Citigroup Center
153 East 53rd Street
New York, NY 10022

an answer to the complaint which is herewith served upon you, within THIRTY days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL McMAHON

OCT 04 2004

CLERK

Melanie L. Lopez

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons in a Civil Action -SDNY WEB 4/99

RETURN OF SERVICE

Service of the Summons and Complaint was made by me¹

DATE

10/5/04

NAME OF SERVER (PRINT)

MATTHEW L. CANTOR

TITLE

PARTNER

Check one box below to indicate appropriate method of service



Served personally upon the defendant. Place where served: _____



Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____



Returned unexecuted: _____



Other (specify): AFTER BEING ADVISED BY COUNSEL FOR VISA U.S.A. AS TO WHERE AND ON WHOM TO SERVE THE COMPLAINT, THE SUMMONS AND COMPLAINT WERE SENT BY FEDERAL EXPRESS TO STEVE THEODORIS, Esq., VISA U.S.A. INC., 123 MISSION STREET, 20TH FL., S.F., CA 94105-1551

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

10/6/04

Date

Signature of Server

CONSTANTINE + PARTNERS, P.C.
477 MADISON AVE
NEW YORK, NY 10022

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.